IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8425 OF 2005

Shri Kaleshwar Deo,
Gadhinglaj, a registered Trust
through its Chairman Shri Appasaheb
Shankar Kodda . . .. Petitioner.

vs.

State of Maharashtra
& Anr. .. Respondents.

Mr. S.S. Patwardhan for petitioner.
Mrs.V.S. Mhaisapurkar, AGP., for respondents.

CORAM : S.U. KAMDAR, J.
DATE : 20th December, 2005.

P.C.:

. By consent of the parties, the following order is passed.

1. The impugned order in so far as it refuses permission under Section 36 of the Bombay Public Trusts Act, 1950 on the ground that there is no compelling necessity is quashed and set aside. In so far as the question of valuation of the property is concerned, the following order is passed :-

2. That the petitioner has no objection to the Charity Commissioner obtaining the valuation report of the property before sale. Petitioner also undertake to pay necessary charges of the valuer. The Charity Commissioner will invite fresh bids by public advertisements in two leading newspapers costs and expenses of which will be borne by the petitioner. On inviting the bids if it is found that the highest bid is lesser than the bid obtained by the petitioner for the sale of the suit property then the offer of the petitioner to sell the property to Tukaram Balu Chavan to be accepted. If higher offer is received then the Charity Commissioner will give option to the said purchaser to match the offer. If he is not willing to match the offer the property to be sold to the highest bidder. The Charity Commissioner to impose all the necessary conditions in respect of the sanction of the sale pertaining to the obtaining of the necessary permissions from the competent authorities by the purchaser as well as pertaining to the utilisation of the funds which is received by the trust by virtue of the sale of the said property. The Charity Commissioner to complete the aforesaid exercise within the period of three months. Petition disposed of accordingly. No order as to costs.